

MZ: TODAY IS OCTOBER 3, 2002, THURSDAY AT ABOUT 10:30 A.M. AT LAW OFFICE OF RANDAL VALENCIANO, THIS IS MARK ZENGER, WE GOT MARLO SOUZA FROM MEL RAPOZO'S OFFICE WITH ME, I GOT CARL RAGASA AND KANANI AND ALSO ETHAN SAGE WITH US. WHAT WE HAVE IN FRONT OF US ARE THREE (3) DOCUMENTS. ONE IS A POLICE REPORT NO. 2002-06772 AUTHORED BY KPD SAM SHELDON. WE'VE GOT A WRITTEN STATEMENT HERE DATED SEPTEMBER 29, 2002 FROM EATON SAGE, HAND WRITTEN, WE WILL READ THAT INTO THE RECORD AFTER, EVERYBODY HAS A COPY OF THAT AND I HAVE ALSO HAND DELIVERED A COPY TO MR. SAGE A COPY OF THE HAWAII REVISED STATUE 7 10 1015 FALSE REPORTING TO LAW ENFORCEMENT AUTHORITIES AND ADVISED HIM IF THAT HE WANTS COUNCIL BEFORE HE GOES ANY FURTHER THAT'S FINE.

MZ: MY UNDERSTANDING IS THAT RIGHT NOW YOU ARE NOT INTERESTED IN DOING THAT?

ES: OH YEAH

MZ: YOUR TALKING TO ME TODAY ON YOUR OWN FREE WILL AND NOT FORCING YOU

ES: NO

MZ: WE HAD A CONVERSATION PRIOR TO THIS AND IT'S BEEN OK WITH YOU.

ES: RIGHT

MZ: WHAT I WANT TO DO EATON TODAY WAS TO GO THROUGH THE POLICE REPORT NO 2002-06772, DATE ON THAT FOR THE RECORD - OH S UNDATED - THE OFFENSE DATE UH IS MARCH 22, 2002 WHICH I BELIEVE WAS FRIDAY.

ES: YES

MZ: YOU REMEMBER THE EVENTS OF THAT DAY?

ES: YES

MZ: WHAT I AM GOING TO DO IS - MY UNDERSTANDING ALSO IS THAT YOU WENT ON MARCH 27, 2002, YOU WENT TO SOME POLICE OFFICERS TO MAKE A STATEMENT, IS THAT RIGHT?

ES: TO THE LIHUE POLICE STATION

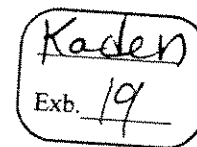


EXHIBIT H

Exhibit No. J
Witness: M. Souza
Date: 11/8/03

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MZ: DID SOMEONE GO WITH YOU?

ES: YES

MZ: WHO WAS THAT?

ES: BOB KADEN, BOB KADEN

MZ: OK, AND HE IS THE CHIEF OF THE BATTALION THAT OVERSEES THE LIFE GUARDS

ES: YES

MZ: AND YOU'RE A LIFE GUARD

ES: YES

MZ: UM ON PAGE NO 1 POLICE REPORT NO 06772 ABOUT 2/3 DOWN OF THE PAGE, THERE IS A STATEMENT THAT'S PARTIALLY ATTRIBUTED TO YOU, LET ME JUST READ IT. IT SAYS THAT ON MARCH 22 AT ABOUT 8:00 IN THE MORNING, KENNY, AND SAGE THAT'S YOU

ES: YES

MZ: REPORTED TO THE TRAINING AT TOWER NO 1

ES: YES

MZ: IS THAT TRUE?

ES: YES

MZ: THE NEXT SENTENCE SAYS: UPON SEEING THEM RAGASA, THAT BEING CARL RAGASA, YELLED AT THEM TO GET THE FUCK OUT OF THERE... SEE THAT

ES: NO I DID NOT

MZ: SEE IT WRITTEN THERE

ES: YES I SEE THAT WRITTEN THERE

MZ: I JUST WANT TO KNOW IF THAT IS TRUE

ES: NO ITS NOT TRUE

MZ: DO YOU REMEMBER WHAT IF, REMEMBER CARL SAW YOU ABOUT 8:00 THAT MORNING?

ES: YEAH

MZ: DO YOU REMEMBER WHAT IF ANYTHING CARL SAID TO YOU WHEN HE SAW YOU?

ES: NO

MZ: IT SAYS RAGASA ALSO TOLD THEM "COME ON LETS GO RIGHT NOW" DID THAT HAPPENED?

ES: NO

MZ: DID YOU TELL THE POLICE OFFICER THAT YOU SPOKE TO ON MARCH 27 THAT WHEN CARL RAGASA SAW YOU AND SID AT 8:00 IN THE MORNING ON MARCH 22 THAT RAGASA YELLED THAT YOU AND SID TO GET THE FUCK OUT OF THERE. DID YOU TELL THE POLICE OFFICER THAT

ES: NO.

MZ: DID YOU TELL THE POLICE OFFICER THAT YOU SPOKE TO ON MARCH 27 THAT RAGASA ALSO TOLD YOU AND SID "COME ON LET'S GO RIGHT NOW"

ES: NO

MZ: YOU NEVER TOLD THE POLICE OFFICER THAT?

ES: NO I DIDN'T

MZ: DO YOU KNOW HOW MANY POLICE OFFICER YOU SPOKE TO ON MARCH 27?

ES: JUST ONCE

MZ: CAN YOU DESCRIBE HIM FOR US.

ES: SHORT, HEAVIER SET, BLACK HAIR, SHORT HAIRCUT

MZ: HAD A MUSTACHE?

ES: HAD A MUSTACHE

MZ: DO YOU REMEMBER HIS NAME?

ES: NO, I DON'T

MZ: WAS A JAPANESE GUY?

ES: YES

MZ: OK, I'M SORRY - AMERICAN JAPANESE ANCESTRY

ES: YES HE WAS THAN

MZ: RAN OUT OF JUICE - CONTINUE INTERVIEW OCTOBER 3- 11:00 -1040 A.M.
AT LAW OFFICES OF RANDAL VALENCIANO. RAN OUT OF TAPE LAST
TIME WAS ABOUT TO SHOW YOU PAGE 3 OF POLICE REPORT NO. 06772.
UM ARE YOU THERE? ON THE PAGE WITH ME?

ES: YES

MZ: AT THE TOP OF THE PAGE IT SAYS: 1ST STATEMENT OBTAIN VERBALLY
BY PATROL OFFICER KYLE OKOMURA AT POLICE HEAD QUARTER ON 3-
27-02, SEE THAT.

ES: YES

MZ: OK & THAT HAPPENED

ES: YES

MZ: ????????? AN THEN IT SAYS: SUMMARY OF 1ST STATEMENT ITS GOT
12345 BULLET POINTS, YOU SEE THAT?

ES: YES

MZ: WHAT I AM GONNA DO KNOW IS GO THROUGH EACH OF THESE 5
BULLETS POINTS. 1ST BULLET POINTS SAYS: THAT HE SAGE AND
RAGASA USED TO BE GOOD FRIENDS UNTIL MARCH OF 1999 WHEN AN
INCIDENT INVOLVING ANOTHER EMPLOYEE OCCURRED AT THAT MADE
RAGASA TURNED AGAINST HIM.

MZ: YOU SEE THAT?

ES: YES

MZ: DID YOU TELL OFFICER OKUMORA THAT OR WORDS TO THAT EFFECT ON MARCH 27?

ES: NO

MZ: OK, THE NEXT POINT IS: ON FRIDAY OR MARCH 22, 2002 AT ABOUT THE HOUR OF 8:00 A.M. IN THE MORNING HE SAW RAGASA WALKING TOWARDS THE BATHROOM FROM TOWER NO. 1

ES: YES

MZ: DID YOU TELL OFFICE OKUMORA THAT?

ES: YES

MZ: IS THAT TRUE?

ES: YES

MZ: THE THIRD BULLET POINT SAYS: A FEW MINUTES LATER HE (THAT MEANS SAGE) HEARD RAGASA YELLING FROM BEHIND "WHAT HAOLE BOY, WHAT YOU FUCKIN DOING HERE, GET THE FUCK OUT OF HERE, YOU FUCKIN PUSS, YOU FUCKIN BOY, GET THE FUCK OUT OF HERE. COME ON LET'S GO YOU AND ME" AS THIS WAS BEING SAID RAGASA WAS POINTING HIS FINGER AT HIM - THAT MEANS SAGE.

MZ: DID YOU SAY, DID YOU TELL THE POLICE OFFICER THAT ON MARCH 27, 2002?

ES: NO

MZ: DID YOU TELL EM THE POLICE OFFICER ON THAT DAY ANYTHING THAT WOULD EVEN BE LIKE THAT?

ES: NOTHING THAT'S CLOSE TO THIS - NO

MZ: THE 4TH POINT SAYS: 4TH POINT: RAGASA CONTINUED TO YELL AT HIM (BEING SAGE) "COME ON BOY LETS GO RIGHT NOW, LETS GO. YOU LIKE CALL THE FUCKIN COPS, CALL THE FUCKIN COPS, CALL EM CALL EM"

ES: NO I NEVA SAY THAT.

MZ: DID YOU SAY ANYTHING REMOTELY CONNECTED TO THAT?

ES: NOTHING CLOSE TO THAT.....NOTHING IN THAT NATURE.

MZ: THE 5TH POINT IS. HE SAGE THEN HEARD RAGASA YELLING AT FAO SIDNEY KINNEY "LETS GO COME ON, LETS GO, YOU WANT TO CALL THE COPS, GO AHEAD, CALL THE COPS" DID YOU TELL OFFICER OKUMORA THAT?

ES: NO.

MZ: THEN IT SAYS???????? 6-4-02 SEE ATTACHED - THAT DOCUMENT I DON'T BELIEVE I HAVE THAT AVAILABLE, WE WILL DEAL WITH THAT ANOTHER TIME.

MZ: HERE'S MY QUESTIONS TO YOU AFTER GOING THROUGH THE 5 BULLET POINTS. WELL YOU KNOW, I KNOW YOU KNOW THAT MR..RAGASA WAS EVENTUALLY ARRESTED FOR HARASSMENT, YOU KNOW THAT?

ES: NO

MZ: OK, YOU DON'T KNOW THAT HE WAS ARRESTED FOR HARASSMENT & THAT HE HAD TO GO TO COURT FOR?

ES: NO.

MZ: THAT YOU WERE THE COMPLAINING WITNESS IN TERMS OF THAT REPORT.

ES: NO, I DID NOT KNOW THAT

MZ: OK THAT'S THE FIRST TIME YOU HEARD THAT?

ES: YES

MZ: OK.....I'LL BE HAPPY TO SHOW YOU THE DOCUMENTATION. THE CASE WAS EVENTUALLY BE DISMISSED - ALTHOUGH ITS BEEN DISMISSED WITH OUT PREJUDICE. THERE'S A CHANCE THAT IT COULD BE RE-FILED AGAIN. AGAIN EATON LIKE I TOLD YOU EARLIER, ANY DOCUMENTS THAT YOU WANT TO SEE, NO SECRETS, I AM NOT HIDING ANYTHING, I WILL PROVIDE THEM TO YOU UPON YOUR REQUEST.

MZ: DID YOU TELL OFFICER OKUMURA ANYTHING ABOUT ANNOYING OR ALARMING OR HARASSING LANGUAGE THAT CARL HAD??? YOU THAT DAY - MARCH 22.

ES: NO

MZ: WHY WOULD YOU WANT GO TO THE POLICE?

ES: BECAUSE I WAS PICKED UP BY BOB KADEN

MZ: AN WHAT DID BOB KADEN TELL YOU?

ES: BOB KADEN TOLD ME THAT IF I WANTED EVERYTHING TO STOP, IF I WANTED THINGS TO BE BACK TO HOW IT WORKS, MY ONLY OPTION AND THAT IF I LISTEN TO HIM EVERYTHING WOULD BE OK.

MZ: WHAT DID HE TELL YOU TO DO?

ES: HE TOLD ME TO MAKE THE STATEMENT THAT I DID AND FOR WHAT I TOLD THE 1ST HALF OF THE STATEMENT AND TO PRESS CHARGES AGAINST CARL.

MZ: FOR WHAT?

ES: FOR THE STATEMENT FOR WHICH SID KINNEY I HAD MADE

MZ: OK, SO SID KINNEY MADE A REPORT...

ES: YES

MZ: DID YOU HEAR WHAT SID SAID

ES: JUST, YEAH

MZ: WHAT DID SID TELL THE POLICE HAPPENED ON MARCH 22?

ES: THE LAST THREE (3) BULLET

MZ: OK THOSE LAST THREE (3) BULLET POINTS, THOSE ARE THINGS THAT SID TOLD THE POLICE.

ES: YES

MZ: AND THOSE ARE THE THINGS THAT KADEN WANTED YOU TO AGREE WITH?

ES: YES

MZ: BUT, I THINK YOU NEVER SAID THOSE THINGS TO THE POLICE AND THAT SID KINNEY SAID THOSE THINGS

ES: YES

MZ: DID THOSE THINGS HAPPENED THE THREE (3) BULLET POINTS

ES: NO

MZ: DID YOU TELL THE POLICE YOU WANTED TO PRESS CHARGES?

ES: NO

MZ: YOU KNOW IF SID SAID HE WANTS TO PRESS CHARGES?

ES: YES

MZ: WHAT DID HE SAY?

ES: THAT IF THE ONLY OPTION IS TO PRESS CHARGES, HE WANTS TO PRESS CHARGES.

MZ: OK, I GOT A STATEMENT HERE FROM YOU ON SEPTEMBER 29, IT SAID ON THE 27TH OF MARCH 2002, CHIEF KADEN PICKED ME UP FROM T9 THAT'S TOWER 9, AND TOOK ME TO THE LIHUE POLICE STATION AGAINST MY WILL AND THEN CHIEF KADEN COERCED ME INTO GIVING FALSE STATEMENT PERTAINING TO THE INCIDENT ON FRIDAY, MARCH 22, 2002.

ES: YES

MZ: WHAT FALSE STATEMENT DID CHIEF KADEN COERCED YOU INTO GIVING TO THE POLICE ABOUT THE MARCH 22 INCIDENT.

ES: THE STATEMENT THAT SID KINNEY HAD MADE. WHEN YOU SAID HE COERCED ME INTO GIVING FALSE STATEMENT, IT WAS THROUGH ????

MZ: TO COOPERATE

ES: TO COOPERATE, THAT WAS I WAS TOLD TO DO.

MZ: SO MY UNDERSTANDING IS THAT YOU DID NOT ACTUALLY SAY BULLETS 3,4,5 BUT YOU DID AGREE WITH THEM.

ES: YES

MZ: YOU AGREE WITH THAT BECAUSE CHIEF KADEN TOLD YOU TO DO SO

ES: YES

MZ: DID CHIEF KADEN TELL YOU WHY HE WANTED YOU TO LIE TO THE POLICE?

ES: BECAUSE IF I DIDN'T THE THINGS BETWEEN ME AND CARL WOULD NEVER, WOULD GET WORSE AND ESCALATE AND THAT HE WOULD NOT BE ABLE TO DO ANYTHING NEXT TIME.

MZ: LETS GO BACK, PART OF MARCH 22, MARCH 2002, WERE YOU HAVING PROBLEMS WITH CARL RAGASA?

ES: UM... NO, THERE WAS ONE ANOTHER INCIDENT, BUT PRIOR TO THAT THERE WAS NO OTHER PROBLEM

MZ: WHAT WAS THE OTHER INCIDENT ABOUT

ES: HE SNAPPED AT ME AT THE PARKING LOT, THAT WAS IT

MZ: WAS THAT ON MARCH 2002, A YEAR BEFORE?

ES: LONG TIME AGO

MZ: WAS THAT A BIG DEAL TO YOU

ES: NOT REALLY, JUST ONE INCIDENT, ONE NIGHT, THAT WAS IT.

MZ: AS OF MARCH 2002, WHAT WAS YOUR RELATIONSHIP LIKE, WORKING, SOCIAL RELATIONSHIP WITH CARL RAGASA?

ES: THERE WASN'T ONE, JUST A CO-WORKER, THAT WAS ABOUT IT.

MZ: DID YOU HAVE A PROLBEM WITH HIM IN MARCH?

ES: NO

MZ: DO YOU THINK HE HAD A PROBLEM WITH YOU IN MARCH.

ES: NOT THAT I KNOW OF, NO.

MZ: WHAT ABOUT SID?

ES: NO THAT I KNOW OF.

MZ: I DON'T HAVE ANYTHING ELSE TODAY FOR YOU. UM I APPRECIATE YOU COMING IN. I'LL PROBABLY WANT TO ???? TALK TO MY INVESTIGATORS AND GET A CHANGE TO READ THE FILE COMPLETELY ????? BUT, I DO APPRECIATE